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PATENT APPLICATION
Serial No. 09/509,391
Atty. Docket No. 702-000648

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1655 :
In re application of : **ISOLATED AND RECOMBINANT**
: **ANTIMICROBIAL PEPTIDES**
Jeroen KRIJGSVELD et al. : **THROMBOCIDIN-1 (TC-1) AND**
: **THROMBOCIDIN-2 (TC-2) OR**
Serial No. 09/509,391 : **VARIANTS THEREOF**
Filed July 7, 2000 :
Examiner – Janell Taylor Cleveland :

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Pittsburgh, Pennsylvania
December 21, 2001

ELECTION WITH TRAVERSE

BOX NON FEE AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 21, 2001, Applicants submit the
Accompanying Petition for Extension of Time and the following response and remarks:

The Examiner asserts that the application contains claims drawn to three
inventions or groups of inventions: peptides (Group I, containing claims 1-12 and 16-17), the
use of peptides (Group II, containing claims 13-15 and 18-20), and the use of a histag sequence
(Group III, containing claim 21).

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addressed to Commissioner for Patents, Washington, D.C. 20231 on
December 21, 2001

Kimberly N. Welday
(Name of Registered Representative)

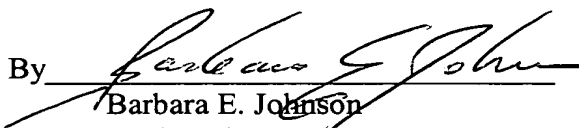
Kimberly N. Welday 12/21/2001
Signature Date

Applicants provisionally elect the claims of Group I (claims 1-12 and 6-17) with traverse in part. The Examiner has stated that the claims are not drawn to a single special technical feature. However, we note that Groups I and II share a technical feature. Claims 1-12 are related to antimicrobial peptides, not to the peptides alone; and claims 13-15 and 18-20 relate to the antimicrobial use of these peptides, i.e., the use of these peptides in the treatment of infections caused by several microbes (bacteria and/or fungi). The antimicrobial nature of the claimed peptides is specifically recited in the preamble of claim 1; the remaining claims of Group I depend from claim 1. Therefore, the claims of Groups I and II share a function, and that election of these two groups with a shared function should be permitted. Claims drawn to the same function do not meet the criteria given for independent inventions under PCT Rule 13.1. In view of the foregoing the applicants respectfully request that the requirement of election between the claims of Groups I and II be withdrawn upon reconsideration.

In view of the above amendment, remarks and response to the restriction requirement, claims 1 to 20 are believed to be in condition for allowance. Allowance of claims 1-20 is respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 

Barbara E. Johnson
Registration No. 31,198
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone No. (412) 471-8815
Facsimile No. (412) 471-4094

Attorney's Docket No. 702-000648**AMENDMENT TRANSMITTAL LETTER****BOX NON FEE AMENDMENT**Commissioner for Patents
Washington, D.C. 20231Serial No.: 09/509,391Filing Date: July 7, 2000Examiner: Janell Taylor ClevelandGroup Art Unit: 1655Invention: ISOLATED AND RECOMBINANT ANTIMICROBIAL PEPTIDES THROMBOCIDIN-1 (TC-1) AND THROMBOCIDIN-2 (TC-2) OR VARIANTS THEREOF

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

No of Claims After Amendment	Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total <u>14</u>	<u>20</u>	<u>0</u>	x \$ 9.00	x \$ 18.00	\$ <u>0.00</u>
Indep. <u>2</u>	<u>2</u>	<u>0</u>	x \$ 40.00	x \$ 80.00	\$ <u>0.00</u>
First Presentation of Multiple Dependent Claim/s			+ \$135.00	+ \$270.00	\$ <u>0.00</u>
TOTAL ADDITIONAL FEE					\$ <u>0.00</u>

- ☐ A check in the amount of \$_____ is enclosed to cover the filing fee of the Notice of Appeal.
- ☒ A check in the amount of \$400.00 is enclosed for a two-month Petition for Extension of Time.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

December 21, 2001

Date

By Barbara E. JohnsonBarbara E. Johnson
Registration No. 40,561
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094

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Kimberly N. Welday

(Name of Registered Representative)

Kimberly N. Welday
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